

AMENDED IN ASSEMBLY JULY 21, 1997

AMENDED IN ASSEMBLY JULY 10, 1997

AMENDED IN SENATE MAY 13, 1997

**SENATE BILL**

**No. 238**

---

**Introduced by Senator Haynes**

**(Coauthor: Senator Leslie)**

(Coauthors: Assembly Members Ashburn, Battin, Campbell, Granlund, House, Leach, Margett, McClintock, Olberg, Richter, and Woods)

February 3, 1997

---

An act to amend Section 903 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 238, as amended, Haynes. Juveniles: costs of support.

Existing law provides that the father, mother, spouse, or other person liable for the support of a minor, the estate of that person, and the estate of the minor, shall be liable for the reasonable costs of support of the minor while the minor is placed, or detained in, or committed to any institution or other place, as specified; and provides for any excess paid to the county for these purposes, as specified, to be held in trust for, or paid directly to, the minor.

This bill would provide, ~~instead, that any such excess be returned to the payor. The bill would also provide~~ that the father, mother, spouse, or other person liable for the support of the minor would not be liable under these provisions if the

basis for the placement, detention, or commitment of the minor is that the minor is believed to have, or is found by a court to have, committed a crime against that person.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 903 of the Welfare and  
2 Institutions Code is amended to read:  
3 903. (a) The father, mother, spouse, or other person  
4 liable for the support of a minor, the estate of that person,  
5 and the estate of the minor, shall be liable for the  
6 reasonable costs of support of the minor while the minor  
7 is placed, or detained in, or committed to, any institution  
8 or other place pursuant to Section 625 or pursuant to an  
9 order of the juvenile court. However, a county shall not  
10 levy charges for the costs of support of a minor detained  
11 pursuant to Section 625 unless, at the detention hearing,  
12 the juvenile court determines that detention of the minor  
13 should be continued, the petition for the offense for  
14 which the minor is detained is subsequently sustained, or  
15 the minor agrees to a program of supervision pursuant to  
16 Section 654. The liability of these persons and estates shall  
17 be a joint and several liability.  
18 (b) The county shall limit the charges it seeks to  
19 impose to the reasonable costs of support of the minor and  
20 shall exclude any costs of incarceration, treatment, or  
21 supervision for the protection of society and the minor  
22 and the rehabilitation of the minor. In the event that  
23 court-ordered child support paid to the county pursuant  
24 to subdivision (a) exceeds the amount of the costs  
25 authorized by this subdivision and subdivision (a), the  
26 ~~county shall return the excess amount to the payor.~~  
27 *county shall either hold the excess in trust for the minor's*  
28 *future needs pursuant to Section 302.52 of Title 45 of the*  
29 *Code of Federal Regulations or, with the approval of the*

1 *minor's caseworker or probation officer, pay the excess*  
2 *directly to the minor.*

3 (c) It is the intent of the Legislature in enacting this  
4 subdivision to protect the fiscal integrity of the county, to  
5 protect persons against whom the county seeks to impose  
6 liability from excessive charges, to ensure reasonable  
7 uniformity throughout the state in the level of liability  
8 being imposed, and to ensure that liability is imposed only  
9 on persons with the ability to pay. In evaluating a family's  
10 financial ability to pay under this section, the county shall  
11 take into consideration the family's income, the necessary  
12 obligations of the family, and the number of persons  
13 dependent upon this income. Except as provided in  
14 paragraphs (1), (2), (3), and (4), "costs of support" as  
15 used in this section means only actual costs incurred by  
16 the county for food and food preparation, clothing,  
17 personal supplies, and medical expenses, not to exceed a  
18 combined maximum cost of fifteen dollars (\$15) per day,  
19 except that:

20 (1) The maximum cost of fifteen dollars (\$15) per day  
21 shall be adjusted every third year beginning January 1,  
22 1988, to reflect the percentage change in the calendar  
23 year annual average of the California Consumer Price  
24 Index, All Urban Consumers, published by the  
25 Department of Industrial Relations, for the three-year  
26 period.

27 (2) No cost for medical expenses shall be imposed by  
28 the county until the county has first exhausted any  
29 eligibility the minor may have under private insurance  
30 coverage, standard or medically indigent Medi-Cal  
31 coverage, and the Robert W. Crown California Children's  
32 Services Act (Article 2 (commencing with Section 248)  
33 of Chapter 2 of Part 1 of Division 1 of the Health and  
34 Safety Code).

35 (3) In calculating the cost of medical expenses, the  
36 county shall not charge in excess of 100 percent of the  
37 AFDC fee for service average Medi-Cal payment for that  
38 county for that fiscal year as calculated by the State  
39 Department of Health Services; however, if a minor has  
40 extraordinary medical or dental costs that are not met

1 under any of the coverages listed in paragraph (2), the  
2 county may impose these additional costs.

3 (4) For those placements of a minor subject to this  
4 section in which an AFDC-FC grant is made, the district  
5 attorney shall seek an order pursuant to Section 11350 and  
6 the statewide child support guideline in effect in Article  
7 2 (commencing with Section 4050) of Chapter 2 of Part  
8 2 of Division 9 of the Family Code. For purposes of  
9 determining the correct amount of support of a minor  
10 subject to this section, the rebuttable presumption set  
11 forth in Section 4057 of the Family Code is applicable.

12 (d) Notwithstanding subdivision (a), the father,  
13 mother, spouse, or other person liable for the support of  
14 the minor, the estate of that person, or the estate of the  
15 minor, shall not be liable for the costs described in this  
16 section if a petition to declare the minor a dependent  
17 child of the court pursuant to Section 300 is dismissed at  
18 or before the jurisdictional hearing.

19 (e) Notwithstanding subdivision (a), the father,  
20 mother, spouse, or other person liable for the support of  
21 a minor shall not be liable for the costs of support of that  
22 minor while the minor is temporarily placed or detained  
23 in any institution or other place pursuant to Section 625  
24 or is committed to any institution or other place pursuant  
25 to an order of the juvenile court, if the minor is placed or  
26 detained because he or she is believed to have committed  
27 a crime against, or is committed because he or she is found  
28 by a court to have committed a crime against that person.  
29 Nothing in this subdivision shall be construed to  
30 extinguish a child support obligation between private  
31 parties.

32 SEC. 2. This act is an urgency statute necessary for the  
33 immediate preservation of the public peace, health, or  
34 safety within the meaning of Article IV of the  
35 Constitution and shall go into immediate effect. The facts  
36 constituting the necessity are:

37 It is necessary that this act take effect immediately in  
38 the interests of justice.

O

